

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re ) Case No. \_\_\_\_\_  
 )  
 ) NOTICE OF HEARING ON MOTION  
 ) FOR RELIEF FROM **DEBTOR'S**  
 ) AUTOMATIC STAY IN A **CHAPTER**  
 ) **7/13** CASE, AND/OR **CODEBTOR'S**  
Debtor(s) ) STAY IN A **CHAPTER 13** CASE

The attached Response, filed for the respondent, \_\_\_\_\_, who is the (debtor, trustee, etc.) \_\_\_\_\_, is in response to the Motion for Relief from Stay filed on behalf of (moving party) \_\_\_\_\_.

The name and service address of the respondent's attorney (or respondent, if no attorney) are: \_\_\_\_\_.

(If debtor is respondent) The debtor's address and Taxpayer ID#(s) (last 4 digits) are: \_\_\_\_\_.

**NOTICE IS GIVEN THAT:**

A **Telephone Hearing** on the Motion, at which no testimony will be taken, will be held as follows:

**Date:**

**Time:**

**Call In Number:** (888) 684-8852

**Access Code:** 3702597

[Note: If you have problems connecting, call the court at (503) 326-1500 or (541) 431-4000.]

**TELEPHONE HEARING REQUIREMENTS**

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you.
2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press \*6 to mute and \*6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

\_\_\_\_\_  
Signature

I certify that: (1) the response was prepared using a copy of the ORIGINAL Motion; (2) if the Response was electronically filed, the response was prepared using the "FILLABLE" PDF version of the Motion unless the Motion was filed on paper and it could not be otherwise electronically obtained from the movant; and (3) that on \_\_\_\_\_ copies of this Notice and the Response were served on the moving party's attorney (or moving party, if no attorney) at the address shown in the Notice of Motion.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re	)	Case No. _____
	)	
	)	
	)	<b>Notice of Motion for Relief</b>
	)	<b>From (Check All That Apply):</b>
	)	<b>Automatic Stay in a Chapter 7/13 Case</b>
	)	<b>Chapter 13 Codebtor Stay</b>
Debtor(s)	)	

1. **YOU ARE NOTIFIED** that a motion was filed by \_\_\_\_\_, the moving party, for (Check all that apply):  
Relief from the automatic stay protecting the debtor(s) and debtor's property, as provided by 11 U.S.C. § 362.  
Relief from the stay protecting the codebtor and codebtor's property as provided by 11 U.S.C. § 1301.  
Codebtor's name and service address are: \_\_\_\_\_  
\_\_\_\_\_.
2. A copy of the motion is attached. The name and service address of the moving party's attorney (or moving party, if no attorney) are: \_\_\_\_\_  
\_\_\_\_\_.
3. If you wish to resist the motion, you must, within 14 days of the service date shown below, file the following with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E. 8th Ave. #2600, Eugene OR 97401:
  - a. A written response that states the facts supporting the opposition to the motion by filling in the applicable "response" portions on a copy of the original motion. If the response will be electronically filed, the response must be prepared using the fillable pdf version of the original motion unless the motion was filed on paper and could not be electronically obtained from the movant; and
  - b. A fully completed notice of hearing using [Local Bankruptcy Form \(LBF\) 721](#), including the date and time of the hearing. Available hearing dates and times are posted at <https://www.orb.uscourts.gov> under the "Hearings" heading. If you do not have internet access, please call the court at (503) 326-1500 or (541) 431-4000 and press "0" to obtain the required forms and hearing information.
4. **Failure to Object or Serve Proper Notice of Hearing.** If you fail to file a timely response and notice of hearing, then the automatic stay may expire as to the debtor(s) pursuant to 11 U.S.C. § 362(e) and the stay protecting the codebtor may expire pursuant to 11 U.S.C. § 1301(d), or the court may sign an order without further notice, submitted by the moving party on [LBF 720.90](#), granting relief from the debtor stay and/or codebtor stay.

I certify that:

(1) The motion was prepared using the fillable PDF version of [LBF 720.80](#); and

(2) On \_\_\_\_\_ this notice and the motion were served on the debtor(s), any codebtor at the address listed above, the trustee, the U.S. Trustee, members of any committee elected pursuant to 11 U.S.C. § 705, and their respective attorneys.

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Signature of Moving Party or Attorney

(OSB#)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

) Case No. \_\_\_\_\_

)

) (Check all applicable boxes)

) **Ch. 7/13 Motion for Relief from**

) **Debtor Chapter 13 Codebtor Stay**

) Filed by Creditor:

)

) Response to Stay Motion filed by Respondent:

Debtor(s)

) \_\_\_\_\_

**1. Debt, Default, Other Encumbrances, Description and Value of Collateral (To be completed by creditor)**

a. Description of collateral (car model, year, VIN, property address):

b. Amount of debt: \$ \_\_\_\_\_ consisting of principal: \$ \_\_\_\_\_; interest: \$ \_\_\_\_\_;  
other:

c. Description, amount and priority of other encumbrances on collateral. If not known, include applicable information from debtor's schedules if available on PACER:

Total debt secured by collateral (total 1.b. + 1.c.): \$ \_\_\_\_\_.

d. Value of collateral: \$ \_\_\_\_\_.

Equity in collateral: \$ \_\_\_\_\_, after deducting \$ \_\_\_\_\_ liquidation costs.

e. Current monthly payment: \$ \_\_\_\_\_.

f. If Chapter 13:

(1) \$ \_\_\_\_\_ postpetition default consisting of (e.g., \$ \_\_\_\_\_ payments, \$ \_\_\_\_\_  
late charges, \$ \_\_\_\_\_ fees):

(2) \$ \_\_\_\_\_ prepetition default consisting of \_\_\_\_\_ amounts specified in proof of claim, or,  
consisting of:

g. If Chapter 7, total amount of default \$ \_\_\_\_\_.

**RESPONSE** (Identify specific items disputed and specify what you contend are the pertinent facts including why there is a postpetition default, if applicable) (to be completed by respondent):

**2. Relief from stay should be granted because (check all that apply):** (To be completed by creditor)

Lack of adequate protection because of failure to make sufficient adequate protection payments and lack of a sufficient equity cushion.

Lack of insurance on collateral.

No equity in the collateral and the property is not necessary for an effective reorganization.

Failure of debtor to make Chapter 13 plan payments to the trustee.

Failure of debtor to make direct payments to secured creditor required by Chapter 13 plan.

Other (describe):

**RESPONSE** (Specify why relief from stay should be denied. If respondent proposes to cure a postpetition default, detail the cure by attaching a proposed order using Local Form (LBF) 720.90 available at <https://www.orb.uscourts.gov> under Forms/Local Forms) (to be completed by respondent):

**3. Background** (To be completed by creditor)

a. Date petition filed: \_\_\_\_\_ Current Chapter: \_\_\_\_\_ (7 or 13)

If 13, current plan date \_\_\_\_\_ Confirmed: Yes No

If 13, treatment of creditor's prepetition claim(s) in plan:

If 7, debtor has \_\_\_\_\_ has not stated on Local Form (LBF) 521 or 521.05 that debtor intends to surrender the collateral.

b. Creditor has a lien on the collateral by virtue of (check all applicable sections and also see paragraph 6 below):

Security agreement, trust deed or land sale contract dated \_\_\_\_\_, and, if applicable, an assignment of said interest to creditor. The security interest was perfected as required by applicable law on \_\_\_\_\_.

Retail installment contract dated \_\_\_\_\_, and, if applicable, an assignment of said interest to creditor. The security interest was perfected on the certificate of title on \_\_\_\_\_.

Other (describe):

**RESPONSE** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**4. Request for Relief from Codebtor Stay (Chapter 13 only)**

a. \_\_\_\_\_, whose address is \_\_\_\_\_  
\_\_\_\_\_, is a codebtor on the obligation described above, but is not a debtor in this bankruptcy.

b. Creditor should be granted relief from the codebtor stay because (check all applicable boxes):  
codebtor received the consideration for the claim held by creditor, debtor's plan does not propose to pay creditor's claim in full, creditor's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above and/or because:

**RESPONSE** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**5. Other Pertinent Information** (To be completed by creditor, if applicable):

**RESPONSE** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**6. Relief Requested (check all applicable sections):** *(To be completed by creditor)*

Creditor requests relief from the automatic stay to allow it to foreclose its lien on the above identified collateral, and, if necessary, to take appropriate action to obtain possession of the collateral.

Creditor has a security interest in real property and requests relief from stay with respect to an act against such property and that the relief be binding in any other bankruptcy case purporting to affect such real property filed not later than 2 years after the date of the entry of an order granting this motion. *(If you check this box, you must complete paragraph 5 above to support this request. If you do not do so, the Court will not grant relief binding in any other bankruptcy case.)*

Creditor requests that the 14-day stay provided by FRBP 4001(a)(3) be waived based on the following cause:

Other (describe and explain cause):

**RESPONSE** *(Identify any disputed items and specify the pertinent facts. If respondent agrees to some relief, attach a proposed order using Local Bankruptcy Form (LBF) 720.90 available at <https://www.orb.uscourts.gov> under Forms/Local Forms) (to be completed by respondent):*

**7. Documents:**

**If creditor claims to be secured in paragraph 3.b. above** creditor has attached to and filed with this motion a copy of the documents creating and perfecting the security interest, if not previously attached to a proof of claim.

**If this case is a Chapter 13 case and the collateral as to which creditor seeks stay relief is real property,** creditor has attached to and filed with this motion a postpetition payment history current to a date not more than 30 days before this motion is filed, showing for each payment the amount due, the date the payment was received, the amount of the payment, and how creditor applied the payment.

**RESPONDENT requests creditor provide** Respondent with the following document(s), if any marked, which are pertinent to this response:

Postpetition payment history if not required above.

Documents establishing that creditor owns the debt described in paragraph 1 or is otherwise a proper party to bring this motion.

Other document(s) (specific description):

Creditor/Attorney

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

OSB#: \_\_\_\_\_

Respondent Debtor/Attorney (by signing, the respondent also certifies that [s]he has not altered the information completed by creditor)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

OSB#: \_\_\_\_\_

Respondent Codebtor/Attorney (by signing, the respondent also certifies that [s]he has not altered the information completed by creditor)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

OSB#: \_\_\_\_\_

*You are hereby notified that the creditor is attempting to collect a debt and any information obtained will be used for that purpose.*



CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing

**NOTICE OF MOTION AND MOTION FOR RELIEF FROM AUTOMATIC STAY**  
was provided to the following parties through the Court's Case Management/Electronic Case File system:

- Wayne Godare    courtmai1@portland13.com, courtmai1@portland13ct.com
- TED A TROUTMAN    tedtroutman@gmail.com, L.Rusty.Troutman@gmail.com
- US Trustee, Portland    USTPRegion18.PL.ECF@usdoj.gov

I further certify that on the date set forth below, a true and correct copy of the above-described document was sent to the following parties via first class mail, postage prepaid:

ODR Bkcy  
955 Center St NE  
Salem, OR 97301-2555

DATED: May 15, 2019

MOTSCHENBACHER & BLATTNER, LLP

By: /s/Troy G. Sexton  
Troy G. Sexton, OSB #115184  
Of Attorneys for Debtor

**CERTIFICATE OF SERVICE**

**Melody Dawn Taylor**  
**19-30351-tmb13**

I hereby certify that the foregoing *Notice of Hearing on Motion for Relief from Debtor's Automatic Stay in a Chapter 7/13 Case, And/Or Codebtor's Stay in a Chapter 13 Case* and the creditor's original *Ch. 7/13 Motion for Relief from Debtor Stay* was served on the following by first-class mail, in a postage prepaid sealed envelope, at the name and address exactly as follows, on the date indicated below:

Troy G. Sexton  
117 SW Taylor Street, Suite 300  
Portland, OR 97204

DATED: May 28, 2019

/s/ Rusty Jacobson  
Rusty Jacobson  
Legal Assistant  
for Ted A. Troutman